
OLR Bill Analysis

sSB 412 (File 330, as amended by Senate "A")*

AN ACT CONCERNING THE ENFORCEMENT OF CERTAIN OCCUPATIONAL LICENSING STATUTES.

SUMMARY:

This bill makes several changes to the Department of Consumer Protection's (DCP) occupational licensing enforcement laws. The bill:

1. requires the commissioner to annually report to the General Law Committee on the complaints DCP receives about people licensed, registered, or certified by certain DCP boards and commissions (§ 3);
2. requires DCP boards or commissions, instead of their chairpersons, to approve dismissing certain complaints (§ 3);
3. allows the commissioner and the appropriate examining board to report violations to the state's attorney together (§ 1); and
4. specifies that the commissioner or the appropriate examining board may impose a civil penalty for each violation on people who perform unlicensed work or conduct similar violations (§ 2).

It also makes technical changes.

*Senate Amendment "A" (1) eliminates provisions in the original bill (File 330) on (a) issuing cease work orders, (b) negligently performing certain work, (c) imposing civil penalties, (d) requiring the commissioner to bring complaints to boards for formal hearings, and (e) adopting procedural rules and regulations for the boards and commissions and (2) adds the complaint reporting requirement.

EFFECTIVE DATE: October 1, 2014

§ 3 — DCP COMPLAINTS***Report***

The bill requires the commissioner, by January 15, 2015, to begin annually reporting to the General Law Committee on the complaints DCP receives during the previous calendar year on the work or practice of people licensed, registered, or certified by certain DCP boards or commissions. The report must include the (1) total number of complaints and (2) nature and resolution of each complaint. It must indicate, if applicable, whether the complaint was:

1. dismissed because the conduct would not violate a law or regulation if substantiated,
2. investigated,
3. dismissed after an investigation for lacking probable cause,
4. resolved by a settlement and if a penalty was imposed by the settlement, or
5. brought for a formal hearing and if a violation was found and penalty imposed.

The board and commissions covered by the reporting requirement are those for architectural work; electrical work; plumbing and piping work; heating, piping, cooling, and sheet metal work; elevator installation, repair, and maintenance work; fire protection sprinkler systems work; and automotive or flat glass work.

Dismissals

This bill eliminates the boards' or commissions' chairpersons' authority to approve dismissing complaints investigated by DCP for which no probable cause is found. It instead requires the applicable board or commission to approve the dismissal. This applies to all boards or commissions within DCP.

By law, DCP receives complaints on (1) the work and practices of people licensed or certified by its boards or commissions and (2)

unauthorized work and practices by unlicensed people. DCP screens the complaints and dismisses those that, if substantiated, would not violate the law or an applicable regulation. DCP must investigate the complaints that, if substantiated, would be a violation.

§ 1 — REPORTING VIOLATIONS

Current law requires an examining board for certain occupations, or the DCP commissioner or his agent, after a hearing showing a violation of the occupational licensing law or regulations, to report the violation to the office of the state's attorney.

The bill (1) eliminates the agent's authority to make the report and (2) allows the board and commissioner to report the violation together. This applies to electrical work; heating, piping, cooling, and sheet metal work; plumbing and piping work; elevator installation, repair, and maintenance work; fire protection sprinkler systems work; and automotive and flat glass work.

§ 2 — CIVIL PENALTIES

Under current law, the commissioner or the appropriate examining board can impose a civil penalty on anyone who:

1. performs certain work without first obtaining the required certificate and license,
2. wilfully hires or provides an uncertified or unlicensed person to perform the work,
3. performs the work when the required license or certification has expired, or
4. violates any of the laws or regulations on the license or certification to perform the work.

The bill specifies that a separate penalty may be issued for each violation.

By law, the fines are up to (1) \$1,000 for a first violation, (2) \$1,500 for a second violation, and (3) \$3,000 for violations occurring within

three years of a second or subsequent violation. Improperly registered apprentices are exempt from a penalty for a first offense.

These fines apply to people who perform electrical work; plumbing and piping work; solar work; heating, piping, cooling, and sheet metal work; fire protection sprinkler systems work; elevator installation, repair, and maintenance work; irrigation work; automotive or flat glass work; swimming pool maintenance and repair work, well drilling work; or electronics, television, or radio work.

COMMITTEE ACTION

General Law Committee

Joint Favorable Substitute

Yea 13 Nay 4 (03/18/2014)

Judiciary Committee

Joint Favorable

Yea 25 Nay 14 (04/23/2014)

Labor and Public Employees Committee

Joint Favorable

Yea 9 Nay 2 (04/25/2014)